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EXAMINER

DIVINE, LUCAS

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/787,117	HARRIS ET AL.	
	Examiner	Art Unit	
	Lucas Divine	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-19, 26-30 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-16, 20-25 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-19, 26-30 and 32-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/10/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 17-19, 26-30, and 32-49 are pending as elected. Claims 1-16, 20-25, and 31 have been withdrawn.

2. Applicant's election with traverse of claims is acknowledged. The traversal is on the ground(s) that the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

It was shown a serious burden on the Examiner by classifying the different inventions in different subclasses and showing separate status in the art. Graphical User Interfaces for peripherals falls into class/subclass 719/321 (device driver communication), 710/8 (peripheral configuration), or 345/156 (display peripheral interface input device), while monitoring consumables falls into 399/24 and ordering consumables via a network falls into 358/1.15. Thus, searching for graphical user interface subject matter of the first invention would be a serious burden when combined with the searching for the monitoring and ordering of consumables of the second invention. Examiner agrees that there may be perhaps some related subject matter; however, there is a greater amount of searching required in areas which are not related. The requirement is still deemed proper and is therefore made FINAL.

Drawings

Art Unit: 2624

3. The drawings are objected to because in the figures with steps, the reference signs are listed with an S, such as S506, while in the specification, they are described only as step 506.

The reference signs in the specification must match the drawings, and thus this discrepancy between specification and drawings must be fixed so that the drawings and specification match in reference signs.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 13a, 199.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: S508, S514, S608.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 2624

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
7. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 41 – 49 are rejected under 35 U.S.C. 112, first paragraph, for failing to provide adequate support in the specification for these claims. Examiner does not understand what is being claimed and there is nothing in the disclosure to shed light on what the claims are claiming. Claims 41, 42, and 47 claim a program operable to cause a computer to become configured as apparatus. No program like such has been explained in the specification. Claims 44, 46, and 49 claim a signal comprising a program product. No signal comprising a program product has been explained or discussed in the specification and Examiner has not been able to determine from the relevant art what the signal is that is being claimed. Claims 43, 45, and 48 are rejected for being depended from rejected claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 41 – 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 41, 42, and 47, these claims recite ‘**instructions operable to cause a computer to become configured as apparatus**’. Examiner does not understand what the program is or what is being claimed to ‘cause a computer to become configured as apparatus’. These claims are not claiming a program having any specific instructions or steps to cause such a configuration and are ambiguous, vague, and indefinite as to what the program being claimed is. Clarification is necessary to particularly point out and distinctly claim instruction steps that ‘cause a computer to become configured as apparatus’.

Regarding claims 43 – 46 and 48 – 49, claims 43 – 46 and 48 – 49 are rejected for inheriting the vague and indefinite limitation.

Regarding claims 44, 46, and 49, these claims recite ‘**a signal bearing computer readable information comprising a computer program product**’. Examiner does not understand how a signal can comprise a product, which is understood to be a physical product. Thus the claims are vague and indefinite as to what is being claimed and clarification is necessary to particularly point out and distinctly claim what the signal is.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 41, 42, and 47 (and dependent claims 43-46, 48, and 49) are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The program product claimed is merely a set of instructions per se that is on a product, which could range from a piece of paper or instructions imprinted on the side of a wall. Since the program product is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.
11. Claims 43, 45, and 48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite a medium storing a computer program product. In order to be statutory, the claim must recite a computer program embodied on a computer readable medium. Simply storing a program on a computer readable medium does not make a claim statutory, and further the claim only stores the product, which does not indicate that the program is executable as stored. See MPEP § 2106.
12. Claims 44, 46, and 49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite a signal comprising a computer program product. In order to be statutory, the claim must indicate how such a signal realizes the computer program functionality. See MPEP § 2106.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 17 – 19, 26 – 30, and 36 – 49 (only 47/26, 47/27, 47/28, and 47/37 of claim 47 and 40/26-28, 40/37 of claim 40) are rejected under 35 U.S.C. 102(e) as being anticipated by Benjamin et al. (US 6113208).

Regarding claim 17, Benjamin teaches **a computer apparatus** (Figs. 2 and 3 show host processor 10 for user interaction, col. 2 line 18) **comprising**

a peripheral device driver (col. 2 lines 18-30 and col. 3 lines 8-11), **said device driver including means for controlling and configuring a peripheral device** (printer driving elements for controlling printer 1 in device 10; col. 3 lines 8-11, wherein host machine drives the device by issuing control and data signals), **and**

means for generating a signal (col. 4 lines 8-9 & 35-37, wherein the host processor 10 can generate signals for Internet interactions) **for transmission to a third party** (col. 4 line 9 and line 38, where a dealer or manufacturer can be contacted), **for ordering a supply of a consumable product for use with said peripheral device** (col. 4 lines 20-40, specifically lines 35-37).

Regarding claim 18, which depends from claim 17, Benjamin teaches **said device driver includes**

means for receiving a consumable depletion message from a peripheral (col. 4 lines 20-40 and Figs. 2 and 3 teach the host processor 10 receives messages regarding consumable status from peripheral processor 40),

said signal generating means being responsive to receipt of a consumable depletion message by said receiving means (processor 10 responds by issuing a display message, col. 4 lines 20-40 specifically lines 21 and 28, wherein the printer processor sends a message to the host processor and the host processor acts on the message for a display to the user – see also lines 35-37, wherein the signal generating means sends the signal in response to the consumable message).

Regarding claim 19, Benjamin teaches **a computer apparatus** (Figs. 2 and 3 show host processor 10 for user interaction, col. 2 line 18) **comprising**

a peripheral device driver (col. 2 lines 18-30 and col. 3 lines 8-11), **said device driver including means for controlling and configuring a peripheral device** (printer driving elements for controlling printer 1 in device 10; col. 3 lines 8-11, wherein host machine drives the device by issuing control and data signals), **and**

means for monitoring said peripheral device (processor 10 monitors the printer 1 for any return control and data signals, including signals from microprocessor 40 that monitors the consumable product levels, col. 4 lines 20-40, specifically line 24) **for depletion of a consumable product thereof** (ink is depleted); **and**

means for generating a document (printer prints a document; col. 4 lines 20-40, specifically lines 21,22,33) **in response to depletion of a consumable product** (col. 4 lines 20-40, specifically line 21, 27), **said document being for use in ordering a supply of said consumable product** (col. 4 lines 20-40, specifically lines 23, 34).

Regarding claim 26, Benjamin teaches a **printer driver** (col. 2 lines 18-30 and col. 3 lines 8-11, wherein host processor 10 drives the device by issuing control and data signals) **for interfacing a computer to a specified printer** (Figs. 2 and 3), **the printer driver comprising:**

means for inputting a user command (host computer 10 inherently includes an input device for the user, such as a keyboard or mouse in order to perform the “clicking” in col. 4 line 31) **to order supplies associated with said specified printer** (col. 4 lines 20-40, specifically lines 30-32); **and**

means for causing the computer to output a signal (col. 4 lines 8-9 & 35-37, wherein the host processor 10 can generate signals for Internet interactions) **addressed to a supplier indicative of the user's desired supplies** (col. 4 line 9 and line 38, where a dealer or manufacturer can be contacted – ordering further discussed in col. 4 lines 20-40, specifically lines 35-37).

Regarding claim 27, which depends from claim 26, Benjamin teaches **said means for causing the computer to output a signal is adapted to output said signal to the Internet** (col. 4 lines 8-9 & 35-37, wherein the host processor 10 can generate signals for Internet interactions).

Art Unit: 2624

Regarding claim 28, which depends from claim 26, Benjamin teaches **means for presenting the user with the options to order** (presenting user with order option at step 64 of Fig. 5) **at least one of:**

an ink cartridge specific to the specified printer (consumable can be ink cartridge [col. 4 lines 20-40, specifically line 34]) **or a process cartridge specific to the specified printer.**

Regarding claim 29, the structural elements of apparatus claim 26 perform all of the method steps of method claim 29. Therefore, method claim 29 is rejected for the same reasons stated above in the rejection of apparatus claim 26.

Regarding claim 30, which depends from claim 29, the structural elements of apparatus claim 28 perform all of the method steps of method claim 30. Therefore, method claim 30 is rejected for the same reasons stated above in the rejection of apparatus claim 28.

Regarding claim 36, Benjamin teaches **a method of ordering printer specific consumables comprising the steps of:**

providing a printer driver (col. 2 lines 18-30 and col. 3 lines 8-11, wherein host processor 10 drives the device by issuing control and data signals) **of the type used for interfacing a computer to a specified printer** (Figs. 2 and 3);

monitoring the current amount of at least one printer consumable (microprocessor 40 that monitors the consumable product levels, col. 4 lines 20-40, specifically line 24); **and**

causing the computer to output a signal (col. 4 lines 8-9 & 35-37, wherein the host processor 10 can generate signals for Internet interactions) **addressed to a supplier so as to**

Art Unit: 2624

order a replacement consumable (col. 4 line 9 and line 38, where a dealer or manufacturer can be contacted – ordering further discussed in col. 4 lines 20-40, specifically lines 35-37) **upon the current amount of the consumable falling below a predetermined value** (ink is depleted to a low value [Fig. 5 step 62; col. 2 lines 20-40, specifically line 21]).

Regarding claim 37, Benjamin teaches a **printer driver for interfacing a computer to a printer** (Figs. 2 & 3; col. 2 lines 18-30 and col. 3 lines 8-11, wherein host processor 10 drives the device by issuing control and data signals), **comprising:**

means for monitoring the current amount of at least one printer consumable (processor 10 monitors the printer 1 for any return control and data signals, including signals from microprocessor 40 that monitors the printer consumable product levels, col. 4 lines 20-40, specifically line 24); **and**

means for causing the computer to output a signal (col. 4 lines 8-9 & 35-37, wherein the host processor 10 can generate signals for Internet interactions) **addressed to a supplier so as to order a replacement consumable** (col. 4 line 9 and line 38, where a dealer or manufacturer can be contacted – ordering further discussed in col. 4 lines 20-40, specifically lines 35-37) **upon the current amount of the consumable falling below a predetermined value** (ink is depleted to a low value [Fig. 5 step 62; col. 2 lines 20-40, specifically line 21]).

Regarding claim 38, Benjamin teaches a **computer apparatus comprising**

a peripheral device interface means and communication means (Figs. 2 & 3; col. 2 lines 18-30 and col. 3 lines 8-11, wherein host processor 10 drives the device by issuing control and data signals through the communication line identified in Figs. 2 and 3),

the peripheral device interface means including signal receiving means for receiving a signal from a peripheral representative of depletion of a consumable of said peripheral device (col. 4 lines 20-40 and Figs. 2 and 3 teach the host processor 10 receives messages regarding consumable status from peripheral processor 40), **and**

said peripheral device interface means being responsive to receipt of said signal to cause said communication means to transmit a message to a remote location for ordering of further supply of said consumable (col. 4 lines 20-40, specifically lines 35-37, wherein the signal generating means sends the signal in response to the consumable message - col. 4 lines 8-9 & 35-37, wherein the host processor 10 can generate signals for Internet interactions - col. 4 line 9 and line 38, where a dealer or manufacturer can be contacted).

Regarding claim 39, Benjamin teaches **a computer apparatus** (10, Figs. 2 and 3) **comprising**

a peripheral device interface means for control of a peripheral device (Figs. 2 & 3; col. 2 lines 18-30 and col. 3 lines 8-11, wherein host processor 10 drives the device by issuing control and data signals through the), **and**

communication means (communication line identified in Figs. 2 and 3 inherently teaches that the host processor 10 must have means of communicating to the printer),

the peripheral device interface means including display means (display screen 44, Fig. 3) **operative to display to a user a graphical element** (col. 4 lines 20-40, specifically lines 29-32, wherein Benjamin teaches a graphical element is on the screen that a user 'clicks' on),

said apparatus further including a user input device operative (in order to click, there must be an input device, such as a mouse or keyboard), **in response to user selection of said graphical element, to generate an input signal** ('click' generates the user selection; col. 4 lines 20-40),

said peripheral device interface means being further operative in response to said input signal to cause said communication means to generate a message for transmission to a remote location for the ordering of a supply of a consumable of said peripheral device (col. 4 lines 20-40, specifically lines 35-37, wherein a user clicks for an order and an Internet site is accessed for making the order - col. 4 lines 8-9, wherein the host processor 10 can generate signals for Internet interactions - col. 4 line 9 and line 38, where a dealer or manufacturer can be contacted).

Regarding claim 40, which depends from claims 26-28 and 37, Benjamin teaches that the computer apparatus 10 includes the printer driving functions (col. 3 lines 7-10, wherein the host 10 includes control and data signals and operating programs for the printer 1).

Regarding claims 41 – 49 (only 47/26, 47/27, 47/28, and 47/37 of claim 47), which depend from claims 17-19, 26-30, and 36-39, Benjamin teaches a computing system that executes steps all based on computer code that is stored in memories (such as host RAM or disk

Art Unit: 2624

or memory 20 or 34) and is executed by processors (such as processor 40 or processor 10).

Thus, programs stored in computer readable mediums are suggested by Benjamin in the computer processing and storage of code in the system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 32 – 35, 40 (40/32-35), and 47 – 49 (only 47/32 to 47/35) are rejected under 35 U.S.C. 103(a) as being unpatentable over Benjamin in view of Teng et al. (US 6327045).

Regarding claim 32, Benjamin teaches **a printer driver for interfacing a computer to a printer** (Figs. 2 & 3; col. 2 lines 18-30 and col. 3 lines 8-11, wherein host processor 10 drives the device by issuing control and data signals), **comprising:**

means for receiving a purchase command from the user (col. 4 lines 20-40, specifically lines 29-32, wherein a user clicks on an order part number graphical element displayed on the screen) **via Internet user interface** (col. 4 lines 9 and 35-40 teach accessing the internet [standard through an internet browser] to order the consumables); **and**

means for storing information specific to the printer to be driven (data specific to the printer [specific part number of the cartridge used in this specific printer] is sent from printer 1 [from memory chip 20] to host processor 10, and thus is inherently stored in some internal memory [RAM, cache, disk, or the like] for display to the user);

means for outputting purchasing data to the Internet (col. 4 lines 20-40 specifically lines 35-38 teach outputting purchasing data to an Internet website) **for ordering the supply of a printer related item from an external supplier** (col. 4 line 9 and line 38, where a dealer or manufacturer can be contacted) **in dependence upon said received purchase command** (col. 4 lines 35-37, wherein a user clicks for an order and an Internet site is accessed for making the order) **and said stored information** (col. 4 lines 20-40, specifically that reorder part number [line 29] is included in the order information [line 33] that is submitted online [line 37])).

While Benjamin teaches accessing the Internet to order consumables for a printer and a printer driver for operating the printer, Benjamin does not specifically teach a browser style interface for the driver that includes the display of user definable parameters and definitions for setting up the printer.

Teng teaches **means for driving an Internet browser style user interface** (personal computer 20 [Fig. 1] includes memory and processing unit to drive browser style interface shown in Figs. 8-14) **so as to cause the display of user definable printer parameters and so as to receive user definitions** (Fig. 9 shows default properties which are printer parameters that have already been defined as default – Fig. 9 also shows that a user is able to select user definitions for the fields though [ref. no. 208], further Teng shows the setup of printers can be performed through the interface in Fig. 10, ref. no. 204).

Since Benjamin can access the Internet and has printer driver capabilities, it would have been obvious to one of ordinary skill in the art that the features of Teng, including having a browser style printer driver interface, could have been implemented in the system of Benjamin. The motivations for doing so would have been (1) to only have one interface for web and

Art Unit: 2624

printers, thus eliminating the need for a separate user interface for the printer(s), (2) allow the system of Benjamin to access and control printers even at remote locations, (3) allow other users across the Internet to use any printers of Benjamin (see Fig. 14 of Teng, where sharing of printers is a beneficial feature of Internet printing), (4) allow printers of different manufacturing companies all be accessed through the same system instead of through separate printer driver software created by each separate company by allowing all printers to be controlled and accessed through HTTP, and (5) other reasons for web and Internet printing are well known in the art.

Regarding claim 34, which depends from claim 32, Benjamin teaches **wherein said purchasing command relates to a printer consumable** (col. 4 line 34).

Regarding claim 35, which depends from claim 34, Benjamin teaches **the driver further comprises**

means for monitoring the current amount of at least one printer consumable (microprocessor 40 that monitors the consumable product levels, col. 4 lines 20-40, specifically line 24); **and**

means for prompting the user to consider a purchase command (Fig. 5 step 66, col. 4 lines 20-40, specifically line 30) **upon the current amount of the consumable falling below a predetermined value** (ink is depleted to a low value [Fig. 5 step 62; col. 2 lines 20-40, specifically line 21]).

Regarding claim 33, Benjamin teaches **a printer driver for interfacing a computer to a printer** (Figs. 2 & 3; col. 2 lines 18-30 and col. 3 lines 8-11, wherein host processor 10 drives the device by issuing control and data signals), **comprising:**

means for storing information specific to the printer to be driven (data specific to the printer [specific part number of the cartridge used in this specific printer] is sent from printer 1 [from memory chip 20] to host processor 10, and thus is inherently stored in some internal memory [RAM, cache, disk, or the like] for display to the user);

means for receiving a purchase command from the user via input means (col. 4 lines 20-40, specifically the user “clicking” with input means in lines 29-32); **and**

means for outputting purchasing data (col. 4 lines 20-40 specifically lines 35-38 teach outputting purchasing data to an Internet website) **for ordering the supply of a printer related item from an external supplier** (col. 4 line 9 and line 38, where a dealer or manufacturer can be contacted) **in dependence upon said received purchase command** (col. 4 lines 35-37, wherein a user clicks for an order and an Internet site is accessed for making the order) **and said stored information** (col. 4 lines 20-40, specifically that reorder part number [line 29] is included in the order information [line 33] that is submitted online [line 37]).

While Benjamin teaches accessing the Internet to order consumables for a printer and a printer driver for operating the printer, Benjamin does not specifically teach a browser style interface for the driver that includes the display of user definable parameters and definitions for setting up the printer.

Teng teaches means for driving an Internet browser style user interface (personal computer 20 [Fig. 1] includes memory and processing unit to drive browser style interface shown in Figs. 8-14) and also **means for displaying user definable printer parameters and for inputting commands from a user** (Fig. 9 shows default properties which are printer parameters that have already been defined as default – Fig. 9 also shows that a user is able to

Art Unit: 2624

select user definitions for the fields though [ref. no. 208], further Teng shows the setup of printers can be performed through the interface in Fig. 10, ref. no. 204).

Since Benjamin can access the Internet and has printer driver capabilities, it would have been obvious to one of ordinary skill in the art that the features of Teng, including having a browser style printer driver interface, could have been implemented in the system of Benjamin. The motivations for doing so would have been (1) to only have one interface for web and printers, thus eliminating the need for a separate user interface for the printer(s), (2) allow the system of Benjamin to access and control printers even at remote locations, (3) allow other users across the Internet to use any printers of Benjamin (see Fig. 14 of Teng, where sharing of printers is a beneficial feature of Internet printing), (4) allow printers of different manufacturing companies all be accessed through the same system instead of through separate printer driver software created by each separate company by allowing all printers to be controlled and accessed through HTTP, and (5) other reasons for web and Internet printing are well known in the art.

Regarding claim 40, which depends from claims 32-35, Benjamin teaches that the computer apparatus 10 includes the printer driving functions (col. 3 lines 7-10, wherein the host 10 includes control and data signals and operating programs for the printer 1).

Regarding claims 47 – 49 (only 47/32 to 47/35), which depend from claims 32-35, Benjamin teaches a computing system that executes steps all based on computer code that is stored in memories (such as host RAM or disk or memory 20 or 34) and is executed by processors (such as processor 40 or processor 10). Thus, programs stored in computer readable

Art Unit: 2624

mediums are suggested by Benjamin in the computer processing and storage of code in the system.

Conclusion

15. Note to applicant regarding program claims: typically these claims are written in a clear and statutory manner such as 'a computer program embodied on a computer readable medium including computer executable (code or instructions) for:

Limitation A;

Limitation B; and

Limitation C.'

By indicating, for example, in claim 41, that the computer program product is in accordance with any one of claims, the claims are confusing because it is unclear whether they are independent claims (because of a different statutory class) or dependent claims. Thus it is not clear whether the apparatus, program, or process is being claimed. The above claim example clears up any ambiguity issues and is suggested for applicant to consider.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2624

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